

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICHARD NEVILLE, Inmate #K78239,      )  
  )  
Plaintiff,                                  )  
  )  
vs.    )      CIVIL NO. 04-770-JPG  
  )  
DENNIS L. SCHWARTZ, *et al.*,        )  
  )  
Defendants.                                )

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

On February 10, 2005, this Court assessed an initial partial filing fee of \$2.36. To date the Court has not received any payment from Plaintiff, nor has Plaintiff indicated any reason why he is unable to pay this fee as ordered.

**IT IS ORDERED** that within **THIRTY (30) DAYS** of the date of entry of this Order, Plaintiff shall either tender his initial partial filing fee of \$2.36, or he shall show cause why he is unable to do so.

**IT IS FURTHER ORDERED** that if Plaintiff does not comply with this Order in the time allotted, this case will be dismissed with prejudice for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994).

**IT IS SO ORDERED.**

**Dated: May 3, 2005**

s/ J. Phil Gilbert  
U. S. District Judge